

Appl. No. 10/729,742
Amdt. dated July 10, 2006
Reply to Office Action of April 10, 2006

REMARKS

Applicants have received and carefully reviewed the Office Action mailed on April 10, 2006. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claim 22 has been amended for clarity. No new matter has been added.

Applicants respectfully traverse the Examiner's rejection of claims 1-8, 22 and 23 under 35 U.S.C. 102(b) as anticipated by Rammler, U.S. Patent No. 5,327,891. In order to anticipate, the cited reference must disclose each and every claimed element. Rammler fails to do so.

In particular, claim 1 (and hence claims 2-8 depending therefrom) recites "removable support means for providing column support to the elongate shaft". While Rammler may appear to disclose elements having similar shape to the support ribs and support tracks described in the instant application, it should be noted that Rammler does not describe structure that provides column support. Rather, Rammler describes thin-walled, gel-filled tracks and vanes that are designed and intended for guidance, not strength. Indeed, Rammler discloses gel-filled tracks for the express purpose of being able to follow a catheter via ultrasound.

One of skill in the art, having read and understood the instant application, would not interpret Rammler as disclosing any structure that provides column support. This is a claimed element not disclosed by the cited reference. Thus, Rammler cannot be considered as anticipatory with respect to claims 1-8.

With respect to method claim 22 (and claim 23 depending therefrom), Applicants have amended the claim to clarify that one or more support ribs are deployed after the catheter has been advanced through the patient's vasculature to a desired position. Thus, the catheter enjoys flexibility in traversing through the vasculature yet enjoys enhanced column support while subsequent devices are deployed. Rammler fails to anticipate the claimed method.

As noted above, Rammler does not describe any structure that would be interpreted by one of skill in the art as providing column support. Moreover, Rammler discloses advancing a track into the vasculature, and then advancing a vane (attached to a catheter) over the track. This is exactly opposite the process recited in method claim 22. Thus, Rammler cannot be considered as anticipatory with respect to method claims 22 and 23.

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The claimed invention recites elements not shown by the cited reference. Thus, Rammler cannot be considered as anticipating the claimed invention. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 9, 10, 14, 15 and 19-21 under 35 U.S.C. 103(a) as unpatentable over Rammler, U.S. Patent No. 5,327,891, in view of Stevens-Wright et al., U.S. Patent No. 5,715,817. As discussed above, Rammler fails to describe any element that provides column support. Thus, Rammler fails to disclose the claimed support ribs. The Examiner relies upon Stevens-Wright et al. to remedy this shortfall.

However, Stevens-Wright et al. merely disclose reinforcement members 62 disposed within reinforcement lumens 64. A reinforcement member disposed within a lumen is not equivalent to the claimed invention in which a support rib is configured to be disposed over a support track. It should be noted that "in" and "over" are not synonymous terms, despite the Examiner's apparent assertion to the contrary. Therefore, Stevens-Wright et al. do not disclose support ribs that are configured to be disposed over support tracks that, as claimed, are disposed on an external surface of a catheter.

As noted, Rammler fails, at a minimum, to describe the claimed support ribs and thus cannot be considered as describing the claimed support tracks. As Stevens-Wright et al. fail to disclose support ribs configured to be disposed over support tracks disposed along an exterior surface of a catheter, the secondary reference cannot be considered as remedying the noted shortcomings of the primary reference. Thus, the obviousness rejection is flawed and should be withdrawn. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 11-13 under 35 U.S.C. 103(a) as being unpatentable over Rammler, U.S. Patent No. 5,327,891, in view of Stevens-Wright et al., U.S. Patent No. 5,715,817, and further in view of Beckman et al., U.S. Patent No. 5,957,979. Claim 9, from which claims 11-13 depend, is distinguished above as patentable over both Rammler and Stevens-Wright et al. Thus, claims 11-13 are similarly patentable over Rammler and Stevens-Wright et al.

The Examiner relies upon Beckman et al. to suggest inclusion of additional claimed elements. However, Beckman et al. fail to remedy the noted shortcomings of Rammler and Stevens-Wright et al. as Beckman et al. fail, at a minimum, to disclose the missing support ribs. Thus, the cited combination fails to disclose each and every claimed element. As a result, the

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prima facie obviousness rejection is flawed and should be withdrawn. Applicants do not concede the appropriateness of combining these references, particularly as Beckman et al. are directed to a knee brace. Favorable reconsideration is respectfully requested.

Applicants respectfully traverse the Examiner's rejection of claims 16 and 17 under 35 U.S.C. 103(a) as being unpatentable over Rammler, U.S. Patent No. 5,327,891, in view of Stevens-Wright et al., U.S. Patent No. 5,715,817, and further in view of MacDonald et al., U.S. Patent No. 6,210,396. Claim 9, from which claims 16 and 17 depend, is distinguished above as patentable over both Rammler and Stevens-Wright et al. Thus, claims 16-17 are similarly patentable over Rammler and Stevens-Wright et al.

The Examiner relies upon MacDonald et al. to suggest inclusion of additional claimed elements. However, MacDonald et al. fail to remedy the noted shortcomings of Rammler and Stevens-Wright et al. as MacDonald et al. fail, at a minimum, to disclose the missing support ribs. Thus, the cited combination fails to disclose each and every claimed element. As a result, the *prima facie* obviousness rejection is flawed and should be withdrawn.

Applicants respectfully traverse the Examiner's rejection of claim 18 under 35 U.S.C. 103(a) as unpatentable over Rammler, U.S. Patent No. 5,327,891, in view of Stevens-Wright et al., U.S. Patent No. 5,715,817, and further in view of Jang, U.S. Patent No. 6,730,037. Claim 9, from which claim 18 depends, is distinguished above as patentable over both Rammler and Stevens-Wright et al. Thus, claims 16-17 are similarly patentable over Rammler and Stevens-Wright et al.

The Examiner relies upon MacDonald et al. to suggest inclusion of additional claimed elements. However, Jang fails to remedy the noted shortcomings of Rammler and Stevens-Wright et al. as Jang fails, at a minimum, to disclose the missing support ribs. Thus, the cited combination fails to disclose each and every claimed element. As a result, the *prima facie* obviousness rejection is flawed and should be withdrawn.

Applicants respectfully traverse the Examiner's rejection of claims 24 and 25 under 35 U.S.C. 103(a) as unpatentable over Rammler, U.S. Patent No. 5,327,891. Claim 22, from which claims 24 and 25 depend, has been distinguished above as patentable over Rammler. Claims 24 and 25 add additional elements and are similarly patentable over Rammler.

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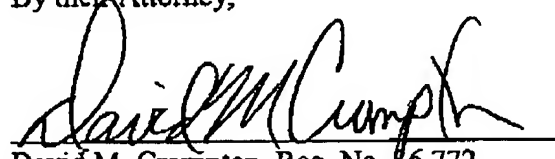
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Stephen Griffin et al.

By their Attorney,

Date: 7/10/06



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